MINUTES

OF

THE UTAH RADIATION CONTROL BOARD

September 9, 2005

Cannon Health Bldg – Dept. of Health

Conference Room 125

288 N 1460 W

Salt Lake City, Utah 84114

BOARD MEMBERS PRESENT
Karen S. Langley, M.S., Chair
Stephen T. Nelson, Ph.D., Vice Chair
Dane Finerfrock, Executive Secretary
Keith C. Barnes, J.D
Kent J. Bradford, P.G.
Linda M. Kruse, M.S.
Joette E. Langianese, Commissioner
Joseph K. Miner, M.D., M.S. Ph.D.
Robert S. Pattison, B.Sc.
Dan L. Perry, B.S.
John W. Thomson, M.D.

BOARD MEMBERS ABSENT/EXCUSED
Dianne R. Nielson, Ph.D., Director of DEQ
Rod O. Julander, Ph.D.
Gregory G. Oman, D.D.S., B.S.

DRC STAFF/OTHER DEQ MEMBERS PRESENT
Molly Gregersen, DRC Staff
John Hultquist, DRC Staff
Craig Jones, DRC Staff
Loren B. Morton, DRC Staff
Yoli Shropshire, DRC Staff

PUBLIC
Tye Rogers, Envirocare of Utah, LLC.
Daniel B. Shrum, Envirocare of Utah, LLC
Dr. Clark Turner, Aribex
Dr. Eric Vogel, DDS, Aribex
Douglas Harding, Aribex
Dan Shrum, Envirocare of Utah, Inc.

GREETINGS/MEETING CALLED TO ORDER

The Utah Radiation Control Board convened in DEQ Building #2, Room 101, 168 North 1950 West, and Salt Lake City, Utah. Karen S. Langley, Chair, called the meeting to order at 2:00 p.m. She welcomed the Board Members and the public. Karen Langley indicated that if the public wished to address any items on the agenda, they should sign the public sign-in sheet. Those desiring to comment would be given an opportunity to address their concerns during the comment period.

I. APPROVAL OF MINUTES (Board Action Item)

a. Approval of August 5, 2005 Minutes

Karen S. Langley, Chair, asked the Board Members if they had any corrections to the minutes of August 5, 2005. Karen S. Langley, Chair, proposed the following change to the Minutes:

1. Page 1, under the Public attendance list, Correction to the take out from the public attendance names: **"Robert Baird**. **Changed to strike out: "Robert Baird, URS – did not attend meeting."**

MOTION MADE BY LINDA M. KRUSE, TO APPROVE THE MINUTES WITH THE CORRECTED CHANGE, SECONDED BY DAN L. PERRY.

MOTION CARRIED AND APPROVED UNANIMOUSLY

II. RULES

No Items

III. RADIOACTIVE MATERIALS LICENSING/INSPECTION

No Items

IV. X-RAY REGISTRATION/INSPECTION (Board Action Item)

a. Request by Peter Jenkins for Certification as a Mammography Imaging Medical Physicist

Craig W. Jones, Manager, informed the Board that Peter A. Jenkins, Kaysville, Utah, had submitted an application for recognition as a Mammography Imaging Medical Physicist. Craig asked the Board Members to recall that these are individuals who perform surveys on mammography equipment and they review the quality assurance practices at mammography facilities.

Craig informed the Board that the information that Mr. Jenkins had sent to DRC was in tab 4 of the Board packet and he asked that they refer to that information. Craig said that Richard B. Sanborn, DRC Staff, reviewed the application submitted by Mr. Jenkins. It was determined that the application was complete and that Mr. Jenkins had the required formal education and experience, as required by R313-28-140, to be approved as a Mammography Imaging Medical Physicist.

RECOMMENDATION:

It is recommended that the Board approve the certification of Mr. Peter A. Jenkins as a Mammography Imaging Medical Physicist. The effective date of the approval should be from September 9, 2005 to May 31, 2006

MOTION MADE BY STEPHEN T. NELSON, VICE CHAIR TO APPROVE PETER A. JENKINS AS A MAMMOGRAPHY IMAGING MEDICAL PHYSICIST, SECONDED BY LINDA M. KRUSE.

MOTION CARRIED AND APPROVED UNANIMOUSLY

b. Request for Exemption to Rules R313-28-80 (7)(b), R313-28-801 (11)(b) and R313-31-5 by Aribex, Inc. (Board action item)

Craig Jones, Program Manager, told the Board that Mr. Clark Turner, Ph.D. is the president and CEO of an Orem, Utah company called Aribex, Inc. This company makes a hand-held, portable dental X-ray system called NOMAD Dental. Craig explained that exemption from some Radiation Control Rules is necessary to permit professionals in Utah to use this X-ray system.

Craig described a variety of X-ray systems, i.e., wall-mounted units, mobile units weighing a few hundred pounds, and hand-portable units. He said that hand-held, portable dental X-ray units are an innovative design for the dental setting, but hand-held devices that function because of radiation are not new. Craig then showed and explained the use of an analyzer for determining the concentration of lead in paint.

An explanation of the rule (R313-12-55) that addresses how exemptions may be approved by the Board was given by Craig. He reminded the Board that all prior applications for an exemption have come from an entity regulated by the Division of Radiation Control (DRC) and he told the Board that Aribex is not regulated by the DRC. He noted that the application is a departure from what has happened, but the departure appears to be allowable. Craig then discussed the requirements that

Aribex wants registrants to be exempted from following. He said that the first rule, R313-28-80 (7)(b), addresses exposure control location and operator protection; the second rule, R313-28-80(11)(b), prohibits the X-ray tube housing from being hand-held by an individual during an exposure; and the third rule, R313-28-31(5), requires that portable equipment is only to be used where it is impractical to transfer the patient to a stationary system. For each rule, Craig explained why the use of a hand-held, portable X-ray unit could not be performed without an exemption.

The Board was told that, on August 12, 2005, Dr. Turner and another Aribex employee had presented information about the NOMAD Dental unit to the DRC X-ray inspection staff. Craig reported that a number of inspectors made confirmatory radiation safety measurements on the X-ray unit and he said that no inspectors have reservations if the Board decides to approve an exemption.

Craig Jones reminded the Board that the Executive Secretary generally favors rulemaking actions, to change regulatory requirements, instead of recommending that exemptions be given. Next, Craig discussed three recommendations from the Executive Secretary as follows: 1) It is recommended that the Board approve the requested exemption and apply the exemption, effective immediately, to any Utah registrant that acquires and uses the NOMAD X-ray system. 2) It is recommended that the Board direct the staff to propose rules that allow the use of this technology. 3) Assuming the Board approves the exemption, it is recommended that the exemption expire on the date that rules, developed in response to recommendation 2, become effective.

Craig Jones introduced Dr. Turner to the Board for a presentation and Craig answered a number of questions from Board members about the technology and the regulatory process.

Questions by the Board Members:

Dan L. Perry asked: What is the radiation exposure to the handler?

Craig Jones said that he wanted Dr. Clark Turner to give the Board specific information about the radiation exposure and he reminded the Board that some technical information was in their packet.

Stephen T. Nelson, Vice Chair asked: Is there something that is time critical that makes an exemption advantageous rather than waiting for the rulemaking process to go forward?

Craig Jones responded that Dr. Turner was prepared to address that issue for their business purposes and desire to make use of the system.

John W. Thomson, M.D. asked: Is the NOMAD unique? Are there other hand-held systems in use in the State that are similar, but would have the same constraints?

Craig Jones responded that he was not aware of any hand-held X-ray systems, for medical applications, in the State or in the Nation. He noted that the only type of system he was familiar with is a lead-in-paint analyzer. He said that the NOMAD system is innovative or new technology and the use of it is a departure from radiation control rules that were written to address circumstances developed 20 years or more ago.

John W. Thomson, M.D.:
He asked if the exemptions would be specific to the use of the NOMAD or would all other manufacturers of similar devices be covered by the exemptions.

Craig Jones responded that the way the Executive Secretary's recommendation has been prepared, the exemptions would apply only to the NOMAD system. He also said that, by virtue of writing radiation control rules, they may be written so that they are flexible enough to address any other similar designs.

He pointed out that the Food and Drug Administration (FDA) has a regulatory role in the development of new X-ray systems and there is a process that manufacturers must follow to get approval for marketing an X-ray system for use on human patients. He said that Aribex had successfully completed this process and he mentioned that the Board packet contained a letter of acceptance to Aribex from FDA.

Karen S. Langley, Chair:
She asked a question about who is a "practicing dental professional." She wanted to know what that means in Utah and she asked if it means a dentist, hygienist, or qualified technician.

Craig Jones responded that a registrant is defined as the owner of an X-ray system and most commonly that is the dentist, a private business owner. He said that the use of the X-ray system is, in part, regulated by the Department of Commerce and their requirements are that an individual be licensed to use X-rays for diagnostic purposes on humans. One approved category of licensure is a dentist and another approved category is a radiologic technologist. Craig said that his understanding of the laws or rules is that dental assistants or hygienists are exempt from the licensing

requirement. However, he believes there is a requirement that they must receive training offered by the Dental Association.

Karen S. Langley, Chair:
She clarified that her question was also based on whom, as a "practicing dental professional in Utah" may purchase such a system.

Craig Jones responded that the recommendation from the Executive Secretary was intended to apply to any prospective owner of a NOMAD X-ray system that was registered with the Division of Radiation Control.

Karen S. Langley, Chair:
She asked the Board if they were ready to hear the presentation from Aribex.

Craig then introduced Dr. Clark Turner and Eric G. Vogel, D.D.S. to the Board and he asked Dr. Vogel to discuss the clinical use of the NOMAD Dental system.

Dr. Clark Turner said that it was a pleasure for him and Eric G. Vogel, D.D.S., from Provo, Utah (Registration #1299), to come and meet with the Board. Dr. Turner made the following important points about the NOMAD system:

1. Dr. Vogel has expressed his interest in using the NOMAD system in the State and therefore, needs the exemption. Rather than bringing multiple exemption requests from dentists to the Board, Dr. Turner thought it was reasonable for the manufacturer to request an exemption on behalf of practicing dentists in the State.

2. There are benefits in the use of portable equipment over stationary equipment.
3. The manufacturer has taken measures to assure the safety of the equipment operator from leakage radiation, which is defined as radiation coming off the side of the device, versus back scanner radiation, which is radiation scattered from the teeth or the skin of the patient.

4. There is a legitimate concern as to whether the technician can hold the device stable enough to take a good diagnostic picture.

5. The State of Texas has already included in their radiation rules exemptions for hand-held equipment and this provides a precedence that should be considered by the Board.

Dr. Clark Turner introduced Eric G. Vogel, D.D.S. to the Board and he asked Dr. Vogel to discuss the advantages a dentist has for use of a hand-held system.

Dr. Vogel informed the Board that he is a practicing dentist and part of the work they do when they are not in the office is humanitarian work, primarily locally, but also world wide. He said that he and Dr. Turner discussed making a unit that was light enough and safe enough for use as a portable system. He said that he is preparing for a trip to Russia where he will be working on children.

The mobile unit he had previously used was relatively heavy, cumbersome to the patient, and hard to use for positioning the head. He noted that there were other drawbacks because it is difficult to transport because of the weight and it is hard to carry through the airports. When used abroad, it was difficult because of unpredictable voltage or access to electricity. The NOMAD system was useful for the following reasons:

1. The NOMAD unit addresses the concerns of the electricity problems and issues of power black outs in buildings.

2. It is smaller, easy to transport, and battery powered.

3. The NOMAD is easy to move around. The other X-ray system, a mini-X, had been bumped several times in airports and pieces were broken.

4. A primary concern is that the patient will be safe and the people operating it are also safe during the procedure.

5. The NOMAD system is easy to work when taking X-rays of a patient in a wheel chair or a patient with a handicap.

6. It is easier to handle pediatric patients. He can position the NOMAD adjacent to the patient and they remain in the path of the X-ray beam. This means that retakes are less frequent.

7. The system is very simple to use.

Questions by the Board Members:

Karen S. Langley, Chair:
How do you not move when you are holding the unit?

Eric G. Vogel, D.D.S responded:

Our conditions are to hold with two hands, adjacent to the patient. Movement of the radiation source does not seem to be as critical as movement of the sensor. He said that when the system was used in China, it was used on very young children and in Mexico, under significant language barriers; the quality of the image was significantly better than what is obtained in our office with stationary equipment. We do not have to deal with film development; we can bring it up in the computer.

Karen S. Langley, Chair:
What is the output of unit compared to the output of the mini-X? Is the output more efficient and lower?

Eric G. Vogel, D.D.S responded:
The NOMAD is better in some ways. Dr. Turner can better describe or explain.

Dr. Clark Turner explained:
The X-ray beam current is lower than the wall mounted systems. This is because of the battery power source. We expected the exposure time to be significantly longer than the wall-mounted unit, but because it is DC powered, we are finding that the exposure times are within a factor of one and a half of other systems.

Dr Clark Turner also addressed the concerns on leakage radiation and said that he could report that it is significantly lower and below the FDA and IEC limits (100mR/hr and 25mR/hr respectively), even at short distances.

Dr. Joseph Miner, M.D.:
Would this be used as a combination with the attached unit or would this take the place of a stationary unit? Would there be a cost benefit for one over the other?

Eric G. Vogel, D.D.S responded:
It would depend on the technicians. There would be a cost benefit to be dealt with because most practitioners would like having one X-ray system in each room. The NOMAD system may be carried from room to room.

Stephen T. Nelson, Vice Chair:
How do the doses compare to the wall mounted X-ray systems?

Dr. Clark Turner responded:
Because the technicians leave the rooms to fire the X-ray, their exposure now is almost negligible. It can't even be measured above background exposure. Normally, it would be 100 mR per year more than what they're getting now.

Stephen T. Nelson, Vice Chair:
Given the time sensitivity, why an exemption versus waiting for a rule change?

Dr. Clark Turner responded:
We have dentists in the State that want them, they want to buy them.

Karen S. Langley, Chair:
What is the work cycle this system can tolerate? What is its capacity to fire? When does it begin to over heat?

Dr. Clark Turner responded:
There is a thermo-sensor inside the unit, so if the unit over heats it shuts off. The rate of recycle is one second of exposure for 60 seconds of clock time, so 60 exposures to one hour at the full exposure schedule. However, if you have digital sensors, the exposure cycle is point one second (0.1). You can do those every 10 seconds.

RECOMMENDATIONS:

The Executive Secretary had three recommendations.

1. **It is recommended that the Board approve the requested exemption and apply the exemption, effective immediately, to any Utah registrant that acquires and uses the NOMAD X-ray system.**

2. **It is recommended that the Board direct the staff to propose rules that allow the use of this technology and training to use this device.**

3. **Assuming the Board approves the exemption, it is recommended that the exemption expire on the date that rules, developed in response to recommendation 2, become effective.**

MOTION MADE BY DAN L. PERRY TO ACCEPT ALL THREE REOCMMENDATION MADE BY THE EXECUTIVE SECRETARY, SECONDED BY KEITH C. BARNES.

ONE NAY BY KENT J. BRADFORD

MOTION CARRIED AND PASSED

V. RADIOACTIVE WASTE DISPOSAL (Board information items)

a. Envirocare License Amendment Request to Expand Operations on Section 29

John Hultquist, Section Manager for DRC informed the Board Members that The Utah Department of Environmental Quality, Division of Radiation Control (DRC) has initiated a public comment period regarding Envirocare's amendment request to expand its current operations conducted in Section 32 (excluding management of uranium mill tailings 11e(2) material), to approximately 536 acres in section 29, Township 1 South, Range 11 West, which is contiguous to Section 32.

A thirty-day public comment period commenced on July 18, 2005 by publication of this notice in the Salt Lake Tribune, the Deseret News, and the Tooele County Transcript – Bulletin. In addition, the public notice was sent out to individuals who currently subscribe to the Division of Radiation Control's Listserv.

A public hearing has been schedule for Tuesday, August 9, 2005, 7 PM, at the Department of Envirocare Quality, 168 North 1950 West, Room 101. Written comments will be accepted until the close of business on August 18, 2005. Comments may be directed to the Executive Secretary, or by email to dfinerfrock@utah.gov. All comments received within the 30-day comment period will be considered when making a final decision regarding this proposed License amendment.

A draft License Amendment with Statement of Basis describing the License change will be available for review and/or copying between 8:00 a.m. and 5:00 p.m., Monday through Friday, at the address listed below. In addition, the Statement of Basis is available on the Division website at: http://www.radiationcontrol.utah.gov/.

John said that he had received written-public comments by e-mail regarding this proposal.

Questions by Board Members:

Joette E. Langianese, Commissioner: When you tentatively approve an issue of this, do you have public hearings before the tentative approval, or is it always after?

Dane Finerfrock responded:
It is always after. After we have gone through our process. We make public our conclusions our findings and lot of different ways, in this case as John mentioned we published what's called the Statement of Basis, in

DRAFT form, and that is self-destructive. It's basically what we looked at and why the action we're taken, at least from our prospective appears to be acceptable, with respect to our responsibilities and the radiation control rules. That is what that and the changes in this case to the license, that's what we hand to the public, and during that 30-day public comment the public can just review that or they can review the entire record that exist in the agency, and we request their comments on anything we've done, and if we receive a substantive comment it may cost us to go back and take look at technical issue or even a procedural issue and see if we have managed it the way it should be managed. It could change the out come.

Joette E. Langianese, Commissioner:
What is the next step if that would happen?

Dane Finerfrock responded:
The next step is, well, if it is something substantive we would probably go back out for public comment again because the basis for our decision has changed substantially, not just minor reason. In this case, there were no comments that were any thing substantive, any thing the Division of Radiation Control could do anything about based on the rules and our jurisdiction as John pointed out. Many of the categories filed on the category of: (1) not in my backyard, (2) we are becoming the dumping ground, (3) the company has stated they've got 17 to 20 years of capacity, why do they need to get into position to develop more capacity now? That was the basis of the comments, it's not something that we have any responsibility to evaluate, that's why the legislature and the Governor wanted to have their say into the process, and that is they get to establish the policy for the State and the citizens.

Karen S. Langley, Chair:
In this case, now that we've gone to this point, the license is still, there's still another hurdle, this isn't a finished opportunity where they can just jump right in. They still have to go through the legislature.

Dane Finerfrock responded:
The license was written with conditions in it that said this license does not go into affect until they have got an affirmative decision from the Governor and the legislature.

Dane Finerfrock, responded:
For those of the Board Members that were around for the B and C issue, it was approached the same way as we address the B and C issue. As far as the Division of Radiation Control the technical hurdle has been hurdled, but the other hurdles of legislature and Governor are still pending and so, we're just making it clear where we are, but the process goes on. You have

done all that you could do to date. By having me apply my signature to the license that constitutes the final agency action and we go from there.

Stephen T. Nelson, Vice Chair:
Someone could hypothetically file an appeal and the Board could determine standing and determine whether or not it wanted to hear it.

Dane Finerfrock, responded:
Yes.

Karen S. Langley, Chair:
Yes, and we have gone through that before.

Dane Finerfrock, asked:
Joette, does that clarify that enough for you?

Joette E. Langianese:
Oh good, so, most of the comments were written comments?

John Hultquist, responded;
Yes, 177 were written and nine were emailed. That package is all in our office if someone or if the public wishes to review it.

b. Envirocare Groundwater Corrective Action Order for Monitoring Well-P3955WC

Loren Morton reported that he wanted to give credit to his associates Brian Hamos and Rob Herbert who had worked on this project previously. Loren reported that Daniel Shrum from Envirocare of Utah, LLC had also worked on this project, so if after his report any one had question that perhaps Dan Shrum could answer those questions for them.

Loren reported that back in the Fall of 2001 DRC found a monitoring well next to the evaporation pond with some excess contaminants concentrations in, including: gross alpha, gross beta, a couple of uranium isotopes, two radium isotopes and fluoride and nitrate. DRC had some concerns and asked Envirocare to investigate, about seven months later in the summer of 2002; they submitted a study.

In this study, Envirocare did some soil sampling near this well. It turns out that near this well there is a drainage pipe that drains storm water off one of the storage pad. Samples were collected along the length of the drain line. The study also included groundwater samples collected by a device called a geo probe which pushes a stainless steel pipe in the ground

then sucks out groundwater for your sampling. Groundwater samples were taken around the well with this problem.

The soil sampling result was not very conclusive and the ground water samples that were taken with this probe found concentrations that were a lot lower than what was in the well. We asked the company to continue sampling and to continue monitoring to try to monitor the problem. The company decided to go in and over-excavate that drainpipe and repair it, they found it and replaced sections of that pipeline.

In June, 2004 of last year a water pump was installed in the contaminated well which jacks up and down and lifts a small amount of water kind of like an oil pump jack that you find in an oil field. Pumping then began at about that same time we explained to Envirocare that the concentrations posed a problem with compliance and we needed to establish a cleanup plan.

In November 2004, we actually wrote them a letter and to get the action we needed, to get a corrective action plan. Of course, Envirocare had already started some of the corrective action, but we needed to formalize it.

We worked out a lot of details. The first submittal came in April 2005, we had two or three versions and we finally had ironed it out. We started a public comment period in June, 2005 and the public comment period ended in late July, 2005.

On September 2, 2005, Dane Finerfrock signed a stipulation and consent order**.** Essentially, this boils down to spills and releases or apparent spills and releases, like this one. DRC does not manage these under a permit; instead we manage them under a cleanup order. The attached order details this out and formalizes how the cleanup system operated and maintained, how it's monitored and how they report the data. It kind of serves the same purpose as a permit, except we don't permit spills we clean them up.

In early September, 2005 Dane Finerfrock signed that order and then shortly there after Envirocare submitted their first monitoring report and showed that some of the concentrations had fallen and appeared to be below the protection levels. One of the technical issues and a question we have will the concentrations remain low?

In the corrective action plan DRC laid out some down time in pumping, a little cessation that will stop the pumping to see if the concentration rebounds. The first cessation will begin later this month and then we'll start pumping again.

Right now we have pumped about 7,000 gallons. Then we will re-commence pumping and at about 8,500 total gallons of pumpage we'll have another cessation period and monitor and watch and see.

If the contaminants rebound, then there will be more pumping involved. That's one of things that is said in this order, is that pumping continues until the concentrations are returned back to State standards.

No questions followed by Board Members.

VI. URANIUM MILL TAILINGS UPDATE (Board Information item)

a. Schedule for Public Meeting – Moab Mill Site

Dane Finerfrock informed the Board that Molly Gregersen, DRC Staff works under Loren Morton and that Loren has turned over some of the Moab workload to Molly. Loren needed help and Molly has now taken that workload, so she will be reporting to the Board on this issue.

Molly Gregersen informed the Board that she was going to update the Board on some of the Moab tailings project:

First on July 25, 2005 the final EIS (Environmental Impact Statement) was published and the preferred alternative was outlined as off-site disposal of the tailings at Crescent Junction using transportation and implementing the active groundwater remediation. Disposal at Crescent Junction was chosen as the preferred option because it has long isolation period and lowest land usage conflict potential, the shortest haul distance from the rail lines flat line terrain.

On August 23, 2005 Loren Morton and I attended a Grand County Stakeholders meeting with Congressman Jim Matheson in Moab. Some of the items of discussion were that the record of decision had not been published yet. It is scheduled to be published any time now, in September 2005, is what we have been told.

Concerning the contract, process, the RFP will be published some time in May, 2006 and one contract will be awarded for the entire project including excavation at the Moab Mill Site, excavation at Crescent Junction, transport of the tailing and then closure at both sites.

Concerning selection is tentatively scheduled to be completed by December 2006. As far as the activities in 2006 and funding issues there are two bills currently in Congress, one for 18 million one for 28 million to appropriate funds for the fiscal year 2006 and the final number has not

been determined yet. DOE has indicted they intend to spend the 2006 funds on construction of the infrastructure to begin remediation over the next years.

Also, a meteorological station is scheduled to be installed on the private property next to the gas station at Crescent Junction. They're going to be installing the air monitoring station as soon as they can, in order to get some background data and continue that monitoring during the remediation.

For future planned activities in October, 2005 there's going to be a public meeting with the Department of Energy (DOE) following publication of the ROD and Joette E. Langianese has let us know, that is scheduled for October 5, 2005; a meeting in Moab and then a meeting at the town of Thompson.

Questions by the Board Members:

Joette E. Langianese, Commissioner:
I don't have any questions I'd just like to make a comment that I think the Board might be interested in one of the things that DOE has been working on is the vicinity properties that were identified in 1971 by EPA to be over the recommended screening levels for radon other than the EPA recommendations. So, they had to determine whether they were mill site tailings or ore. If they were mill site tailing then they would have to clean them up. They did not know for sure because it was done so long ago if they would be accurate today, so they found out that those numbers are accurate and that these levels still remain.

There was some question whether when the activities were going on at the site if some trucks were parked there and the dirt fell in and if it was falling off the trucks, or if people were bringing this in to fill in their yards. Maybe things have changed over this period of time, but what they are finding is the same as the EPA data and the data they are collecting are the same in high concentrations.

Karen S. Langley, Chair:
But, they haven't made a determination on the cause yet, whether it is the ore or the mill tailings?

Joette E. Langianese, Commission:
They're starting to look. With the funding, this year they have only one looked at 25 sites of the 131, and one of the questions they're raising is that now they're not sure whether they are mill tailing or not. Our recommendation to them was: well, if in doubt then clean it up. You know if there is any doubt then does the cleanup.

My concern as a councilperson is that the public is going to really, really want to take some action to determine whether their property may have some contamination too. I know you have a program in your Division where you talk to people that have issues with this kind of problem, that might be a place where they might want to get started with the radon program that you told me about, this might be something we might be hearing more about.

Karen S. Langley, Chair:
You said they were looking at 25 sites, though?

Joette E. Langianese, Commissioner:
They started with 25, and then the next year they will probably do more as they get their funding. Because of what's going on I don't know whether it is going to have a future impact on the appropriations fund for this project.

VII. OTHER DIVISION ISSUES

No Items

VIII. PUBLIC COMMENT

IX. OTHER ISSUES

Next Board Meeting – October 7, 2005, Department of Environmental Quality, Building 2, Room 101, 168 N 1950 West, Salt Lake City, Utah.

Dane Finerfrock informed the next meeting of the Board is scheduled for October 7, 2005, which will be held locally and that Board meeting is scheduled to be held at our building, DEQ Building #2, 168 N 1950 W, Salt Lake City, UT.

Dane Finerfrock informed the Board that the meeting on November 4, 2005, is scheduled to be held at Moab, Utah, and the Board is scheduled to have some tours prior to that meeting and also after the meeting. After some discussion the following schedule was decided for this November, 2005 meeting for the Board:

(1) There will be a tour of IUC at Blanding, Utah, on November 3, 2005, the day prior to the Board meeting. This will take approximately two hours to drive up and tours to drive back for those Board Members that have not had and opportunity to visit the site yet.

(2) The next day November 4, 2005, a tour of the Mill Tailings Site is scheduled in the morning.

(3) Following that tour there will be a boxed lunch, and then the Board Meeting will be held in the afternoon.

(4) After the Board Meeting, there will be a tour of the Nature Conservancy's Matheson Marsh.

Dane Finerfrock informed the Board that Yoli Shropshire, his secretary would be sending more information as the Board Meeting date gets nearer to being held on November 4, 2005. Dane asked the Board Members to please watch their email to be informed about the plans for the tours and the meeting. Dane asked them to be prepared to respond to Yoli as to which tours they would be interested in attending and to look for an update as to where they should meet prior to going to the tours. That hotel information would be send and other Board information would also be send, so to please respond to Yoli by email.

THE BOARD MEETING ADJOURNED AT 3:55 P.M.